

Fountain Hills Subdivision Ordinance

ARTICLE 7

LAND AREA RESERVATIONS

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Section 7.01 Purpose:

The purpose of land area reservations is to create a mechanism to require land to be set aside for parks, recreational facilities, school sites and fire stations. Land area reservations are to provide sufficient land to meet the public land area needs create by new development.

Section 7.02 Effective Date:

Land area reservations authorized by this Article shall be required only on preliminary plats filed at least thirty days after the adoption of a General or Specific Plan indicating specific public land area needs within the land area proposed to be subdivided.

Section 7.03 Land Area Requirements:

- A.** The land area reserved shall be of a size and shape that will permit the remainder of the land area in the subdivision to develop in an orderly and efficient manner.
- B.** The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- C.** The land area reservation shall be in accordance with the requirements specified in Section 705 of this Ordinance.
- D.** Land area reservation sites shall be that area able to be to utilized for the purpose of the reservation within the parameters of the adopted codes and regulations of the United States of America, the State of Arizona, and the Town of Fountain Hills.

Section 7.04 Land Area Acquisition:

- A.** The public agency for whose benefit an area of land is reserved shall enter into an agreement to acquire the reserved land within one year of final plat recordation.

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- B.** The purchase price shall be the fair market value thereof at the time of the filing of the preliminary subdivision plat, plus taxes against the reserved land area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest cost incurred on any loan covering the reserved area.
- C.** If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement and acquire the land within one year of final plat recordation or such extended period of time as mutually agreed upon by the public agency and the subdivider, the reservation of such land is terminated.

Section 7.05 Land Reservation Requirements:

- A.** A public agency that desires to reserve land shall make formal written notification of the public agency's intention to reserve land area within the subdivision for their use to the subdivider and to the Town of Fountain Hills prior to preliminary plat approval.
- B.** The purchase price shall be considered to be fair market value thereof at the time of the filing of the preliminary subdivision plat, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including the interest cost incurred on any loan covering such reserved area.
- C.** A public agency that desires to reserve land shall be responsible for the cost of the preparation of the land use reservation agreement.